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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2424

NOTIFICATION DATE	DELIVERY MODE
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10/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/744,281	Applicant(s) AGASSE, BERNARD	
	Examiner FARZANA HOSSAIN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/16/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135 and 141-146 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-11,13-20,22,23,27-38,51-59,61,65,76-87,110-114,116,119,127,131,135 and 141-146.

DETAILED ACTION

Response to Amendment

1. This office action is response to communications filed 07/16/2009. Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135 and 141-146 are pending. Claims 1, 3-9, 13, 15, 17, 23, 28, 30, 37, 51, 52-57, 59, 61, 76, 78, 85-87, 111, 116, 119, 127, 131, 135 and 141-146 are amended. Claims 2, 10, 11, 14, 16, 18-20, 22, 23, 27, 29, 31-36, 38, 58, 65, 77, 79-84, 110 and 112-114 have been previously presented. Claims 12, 21, 24-26, 39-50, 60, 62-64, 66-75, 88-109, 115, 117-118, 120-126, 128-130, 132-134 and 136-140 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding the independent claims, the applicant argues that Florin, Eyer and Kita fail to disclose receiving the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic (Page 17). The applicant argues that Florin discloses the programs are duplicates of the programs on other channels because the programs are taken from other channels, therefore, the program that is

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unencrypted in the mosaic is also encrypted on the other channel (Pages 17-18).

The applicant also argues that Nijima fails to disclose the limitations (Page 21).

In response to the argument, the limitations require merely a first program in encrypted form on a first channel and the program in unencrypted form with plurality of digital television on a second channel. Florin discloses receive a program in encrypted form on a first channel of the plurality of digital television channels or encrypted program or pay per view programs or premium programs (Column 9, lines 13-25, Figure 2, 66, Column 10, lines 47-57, Column 11, lines 30-32), wherein the program comprises both encrypted audio and encrypted video as programs with audio and video need to be descrambled (Column 9, lines 13-25, Column 11, lines 30-38) and a mosaic of unencrypted programs including the program such as a pay per view program (Column 9, lines 8-20, Column 20, lines 42-49, Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25). In analogous art, Nijima discloses receive a program on a first channel of the plurality of digital television channels (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3), receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3); create the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of windows (Column 8, lines 16-24, 46-59, Column 24, lines 59-67,

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Column 25, lines 1-3). Therefore, Niijima sends first program on a first channel and the first program on a second channel. The office would like to note that the first channel or first program is in encrypted form as Florin discloses that the pay per view programs are encrypted. Niijima discloses that first program is on two channels and unencrypted programs on the second channel (note that enciphered data is deciphered (Column 14, lines 53-65). Eyer discloses transmitting an encrypted program with key with encrypted key information with both encrypted audio and video (Column 9, lines 7-20).

3. The applicant made further arguments that dependent claims are patentable over the previous rejections because they depend from the independent claims (Pages 18-27).

These arguments are moot in view of the new grounds of rejection and the response to arguments above.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135 and 145-146 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims recite “create the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of encrypted programs is shown within a respective window of the plurality, of windows.”

The claim limitation discloses “encrypted programs.” The limitation “encrypted programs” make is indefinite as the mosaic is of unencrypted programs. The Office assumes “encrypted programs” to be --unencrypted programs--.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 15-18, 28-30, 35, 38, 51-56, 65, 76-78, 83, 86, 86, 111, 112, 114, 119, 127, 131, 135, 141-142, 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,594,509) and hereafter referred to as “Florin”) in view of Nijima et al (US 5,903,314 and hereafter referred to as “Nijima”), Eyer et al (US 5,594,794 and hereafter referred to as “Eyer”) and Kitada (US 5,606,611).

Regarding Claim 1, Florin discloses a decoder for controlling the display of a plurality of digital television channels (Column 9, lines 30-39, Column 10, lines 47-59), wherein the decoder is configured to:

receive a program in encrypted form on a first channel of the plurality of digital television channels or encrypted program or pay per view programs or premium programs (Column 9, lines 13-25, Figure 2, 66, Column 10, lines 47-57, Column 11, lines 30-32), wherein the program comprises both encrypted audio and encrypted video as programs with audio and video need to be descrambled (Column 9, lines 13-25, Column 11, lines 30-38);

create a mosaic comprising a plurality of unencrypted programs or general programming (Figures 33-35, Column 9, lines 8-20, Column 20, lines 42-49), including the encrypted program in unencrypted form (Figure 33, Figure 34, Figure 35, 380) wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of windows (Figure 33, Figure 34, Figure 35);

display the mosaic (Figures 33-35);

receive a selection for the at least one encrypted program in unencrypted form in the mosaic via the preview (Figure 35, 380, 375); and

determine whether full access rights exist for the selected program while the selected program is displayed in the mosaic or using the descrambling circuitry to display the pay per view program from the preview (Figure 35);

wherein the decoder is configured to prohibit one of audio access or visual access to the selected program while the selected program is displayed in the

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mosaic upon a determination that full access rights are not available for the corresponding at least one encrypted program or if the PIN number is not entered correctly the pay per view program is not displayed to the viewer and only the preview is displayed to the viewer as the program is not descrambled (Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25).

Florin is silent on receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows and that the mosaic is on a second channel and does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Nijima discloses a decoder for controlling the display of a plurality of digital television channels (Figure 8, Figure 5), wherein the decoder is configured to:

receive a program on a first channel of the plurality of digital television channels (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3),

receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds

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to a mosaic comprising a plurality of windows (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3);

create the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of windows (Column 8, lines 16-24, 46-59, Column 14, lines 53-65, Column 24, lines 59-67, Column 25, lines 1-3);

display the mosaic (Figure 5, Figure 20);

receive a selection for the program the mosaic on the second channel (Figure 20, 201). Nijima discloses that the conditional access module deciphers enciphered data via keys (Column 14, lines 53-65), wherein the data is deciphered (Column 14, lines 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include that the receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows and that the mosaic is a second channel (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3) as taught by Nijima in order to save time at the user device to create a multi-screen guide which allows a user to view the mosaic even more quickly as the user does not have to wait for the pix function to have to create the mosaic.

Therefore, the combination of Florin and Nijima discloses receiving an encrypted program on a first channel and a mosaic on a second channel.

The combination does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Eyer discloses transmitting an encrypted program with encrypted key information with both encrypted audio and video as the program (Column 9, lines 7-20). Eyer discloses the program is displayed to the viewer via a preview portion of the pay per view program based on a working key (Column 9, lines 15-20) and then the decoder based on another working key determining whether the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 10, lines 1-5, 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time or viewing and listening to the program during the preview period of a program (Column 5, lines 21-54, Column 10, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 9,

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lines 7-20, Column 10, lines 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order to improve security to prevent unscrupulous viewers to watch free previews for more than the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

Eyer in combination with Florin and Nijima does not disclose that based on a working key determining prohibiting only one of audio access and visual access.

In analogous art, Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60) as taught by Kitada in order to tempt the user to buy the pay per view program even by allowing them to listen to the program to possibly buy the program even though the preview of the program is finished.

Moreover, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective

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functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 2, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses that the decoder receives access rights together with the audiovisual data for creating the mosaic as the descrambling circuitry descrambles premium programs and programs are not descrambled until the user purchase the program with a PIN (Figure 35, Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25). Eyer discloses that encrypted programs are received with access rights (Column 4, lines 55-67, Column 5, lines 1-38).

Regarding Claim 3, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 2. Florin discloses the decoder is configured to issue a request for full audio and visual access to a one of the first channel and the program displayed in the respective window (Figures 33, Column 20, lines 49-53, Column 9, lines 13-27, Column 10, lines 53-65, Column 11, lines 29-40).

Regarding Claim 4, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses decoder is configured to generate a cursor for display with the mosaic, the cursor being selectively movable over the plurality of windows of the mosaic to enable selection of a desired window within the mosaic (Figures 33-35, 375, 380).

Regarding Claim 5, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses decoder if configured to generate audio

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information associated with the first channel in response to the positioning of the cursor over the desired window displaying the first channel (Column 20, lines 49-55).

Regarding Claim 6, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 5. Eyer discloses the decoder is configured to prohibit the generation of audio information according to received access rights (Column 4, lines 55-67, Column 5, lines 1-38, Column 10, lines 48-65).

Regarding Claim 7, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 6. Florin discloses displaying the mosaic and the access rights of the particular program in the mosaic window to allow for a preview and prohibit the generation audio of the program if the cursor is position over a desired window (Figure 35). Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights as the user does not have access to the program after the preview period or longer than a predetermined length of time (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Regarding Claim 8, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 3. Florin discloses the decoder is arranged to issue a request when a cursor has been placed on that window (Figures 33-35, 380) to receive audio and video of the program by placing the cursor on the window after a predetermined period of time or immediately (Figures 33-34, 375, Column 20, lines 49-55).

Regarding Claim 15, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses turning the decoder to the first channel displayed in the desired window upon selection of the desired window (Figures 33-35, Column 21, lines 16-32).

Regarding Claim 16, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses displaying comprising information regarding the program displayed in the desired window is generated upon selection of the desired window (Figure 38).

Regarding Claim 17, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses generating a cursor for display with the mosaic (Figures 33-35, 380), the cursor being selectively movable over plurality of the windows of the mosaic to enable selection of a desired window within the mosaic (Figure 33-35, 380), and means for generating a display (Figure 2, 69, Column 9, lines 5-16) comprising information regarding the program displayed in the desired window upon selection of the desired window (Figures 33-35, 375, 380). Niijima discloses that the user can select and program and transmit to the communications center the request for information about the program or the program, the audio of the program regarding the program displayed in the desired window, data of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

Regarding Claim 18, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 16. Florin discloses generating a cursor for display with the mosaic formation (Figures 33-35, 380), the cursor being selectively movable over

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the windows of the mosaic formation to enable selection of a desired window within the mosaic formation (Figure 33-35, 380), and means for generating a display comprising information regarding the program displayed in the desired window upon selection of the desired window (Figures 33-35, 375, 380). Nijima discloses that the user can select and program and transmit to the communications center the request for information about the program or the program, the audio of the program regarding the program displayed in the desired window, data of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

Regarding Claim 28, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses that the receiving means receive access rights from a remote control handset associated with the decoder (Column 23, lines 40-45).

Regarding Claim 29, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 28. Florin discloses the decoder is configured to receive a PIN number from the remote control wherein the decoder authenticates the received PIN number and upon authentication of the received PIN number, permits reception of the access rights (Column 23, lines 40-55).

Regarding Claim 30, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses that the generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in that window or that generation of the PPV channel is prohibited based on whether the user has ordered the movie

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or else only the preview is displayed in a window among the plurality of windows (Figure 35). See rejection of claim 1. Eyer discloses generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in the window (Column 10, lines 28-32). Eyer discloses prohibiting generation of video after the preview displayed (Column 10, lines 48-65).

Regarding Claim 35, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 30. Florin discloses means for controlling the display of further video information instead of the at least video information as only the programs that are ordered and authorized are displayed (Column 21, lines 40-53, Column 23, lines 40-55). Eyer means for controlling the display of further video information instead of the at least a portion of the video information as only a preview portion of the program is displayed (Column 10, lines 20-22).

Regarding Claim 38, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses decoder is configured to positionally control the relative positions of the windows with the mosaic formation based on access rights to the programs displayed in the mosaic such as pay per view events (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claim 51, Florin discloses a method for controlling the display of a plurality of digital television channels (Figures 33-35, Column 9, lines 30-39, Column 10, lines 47-59), comprising:

receiving a program in encrypted form on a first channel of the plurality of digital television channels or encrypted program or pay per view programs or premium programs (Column 9, lines 13-25, Figure 2, 66, Column 10, lines 47-57, Column 11, lines 30-32), wherein the program comprises both encrypted audio and encrypted video as programs with audio and video need to be descrambled (Column 9, lines 13-25, Column 11, lines 30-38);

creating a mosaic comprising a plurality of unencrypted programs or general programming (Figures 33-35, Column 9, lines 8-20, Column 20, lines 42-49), including the encrypted program in unencrypted form (Figure 33, Figure 34, Figure 35, 380) wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of windows (Figure 33, Figure 34, Figure 35);

displaying the mosaic (Figures 33-35);

receiving a selection for the at least one encrypted program in unencrypted form in the mosaic via the preview (Figure 35, 380, 375); and

determining whether full access rights exist for the selected program while the selected program is displayed in the mosaic or using the descrambling circuitry to display the pay per view program from the preview (Figure 35);

wherein a decoder is configured to prohibit one of audio access or visual access to the selected program while the selected program is displayed in the mosaic upon a determination that full access rights are not available for the corresponding at least one encrypted program or if the PIN number is not entered correctly the pay per view program is not displayed to the viewer and

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only the preview is displayed to the viewer as the program is not descrambled (Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25).

Florin is silent on receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows and that the mosaic is on a second channel and does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Nijima discloses a method for controlling the display of a plurality of digital television channels, wherein said decoder is configured to:

receiving a program on a first channel of the plurality of digital television channels (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3),

receiving the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3);

creating the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of

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windows (Column 8, lines 16-24, 46-59, Column 14, lines 53-65Column 24, lines 59-67, Column 25, lines 1-3);

displaying the mosaic (Figure 5, Figure 20);

receiving a selection for the program the mosaic on the second channel (Figure 20, 201). Nijima discloses that the conditional access module deciphers enciphered data via keys (Column 14, lines 53-65), wherein the data is deciphered (Column 14, lines 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include that the receive the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic comprising a plurality of windows and that the mosaic is a second channel (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3) as taught by Nijima in order to save time at the user device to create a multi-screen guide which allows a user to view the mosaic even more quickly as the user does not have to wait for the pix function to have to create the mosaic.

Therefore, the combination of Florin and Nijima discloses receiving an encrypted program on a first channel and a mosaic on a second channel.

The combination does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and

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visual access to the selected program is provided during the predetermined length of time.

In analogous art, Eyer discloses transmitting an encrypted program with encrypted key information with both encrypted audio and video as the program (Column 9, lines 7-20). Eyer discloses the program is displayed to the viewer via a preview portion of the pay per view program based on a working key (Column 9, lines 15-20) and then the decoder based on another working key determining whether the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 10, lines 1-5, 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time or viewing and listening to the program during the preview period of a program (Column 5, lines 21-54, Column 10, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 9, lines 7-20, Column 10, lines 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order

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to improve security to prevent unscrupulous viewers to watch free previews for more than the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

Eyer in combination with Florin and Nijima does not disclose that based on a working key determining prohibiting only one of audio access and visual access.

In analogous art, Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60) as taught by Kitada in order to tempt the user to buy the pay per view program even by allowing them to listen to the program to possibly buy the program even though the preview of the program is finished.

Moreover, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 52, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses that the decoder receives access rights together with the audiovisual data for creating the mosaic as the descrambling circuitry descrambles premium programs and programs are not descrambled until the user purchase the program with a PIN (Figure 35, Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25). Eyer discloses that encrypted programs are received with access rights (Column 4, lines 55-67, Column 5, lines 1-38).

Regarding Claim 53, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses decoder is configured to generate a cursor for display with the mosaic, the cursor being selectively movable over the plurality of windows of the mosaic to enable selection of a desired window within the mosaic (Figures 33-35, 375, 380).

Regarding Claim 54, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses decoder if configured to generate audio information associated with the first channel in response to the positioning of the cursor over the window displaying the first channel (Column 20, lines 49-55).

Regarding Claim 55, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 54. Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights (Column 4, lines 55-67, Column 5, lines 1-38, Column 10, lines 48-65).

Regarding Claim 56, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 55. Florin discloses displaying the mosaic and the access

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rights of the particular program in the mosaic window to allow for a preview and prohibit the generation audio of the program (Figure 35). Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights as the user does not have access to the program after the preview period or longer than a predetermined length of time (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Regarding Claim 65, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses generating a cursor for display with the mosaic (Figures 33-35, 380), the cursor being selectively movable over the windows of the mosaic to enable selection of a desired window within the mosaic (Figure 33-35, 380), and means for generating a display comprising information regarding the program displayed in the desired window upon selection of the desired window (Figures 33-35, 375, 380). Nijima discloses that the user can select and program and transmit to the communications center the request for information about the program or the program, the audio of the program regarding the program displayed in the desired window, data of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

Regarding Claim 76, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses that the receiving means receive access rights from a remote control handset associated with the decoder (Column 23, lines 40-45).

Regarding Claim 77, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 76. Florin discloses the decoder is configured to receive a PIN number from the remote control wherein the decoder authenticates the received PIN number and upon authentication of the received PIN number, permits reception of the access rights (Column 23, lines 40-55).

Regarding Claim 78, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses that the generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in that window or that generation of the PPV channel is prohibited based on whether the user has ordered the movie or else only the preview is displayed (Figure 35). See rejection of claim 51. Eyer discloses generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in the window (Column 10, lines 28-32). Eyer discloses prohibiting generation of video after the preview displayed (Column 10, lines 48-65).

Regarding Claim 83, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 78. Florin discloses means for controlling the display of further video information instead of the at least video information as only the programs that are ordered and authorized are displayed (Column 21, lines 40-53, Column 23, lines 40-55). Eyer means for controlling the display of further video information instead of the at least a portion of the video information as only a preview portion of the program is displayed (Column 10, lines 20-22).

Regarding Claim 86, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses controlling the relative positions of the windows with the mosaic formation based on access rights to the programs displayed in the mosaic such as pay per view events (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claim 87, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 86. See rejection of Claims 1, 38, 51 and 86. Florin discloses relative positions of the windows are controlled in response to the received access rights to the plurality of digital channels or programs displayed in the plurality of windows as the programs in the mosaic are displayed in their positions based on the channels are viewer (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claim 111, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses turning the decoder to the first channel displayed in the desired window upon selection of the desired window (Figures 33-35, Column 21, lines 16-32).

Regarding Claim 112, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses displaying comprising information regarding the program displayed in the desired window is generated upon selection of the desired window (Figure 38).

Regarding Claim 114, Florin, Niijima, Eyer and Kitada discloses all the limitations of Claim 53. Florin discloses that program guide display can be

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mosaic (Figures 33-35) and a forthcoming program schedule comprises a textual display of program schedule information (Figures 12-16).

Regarding Claim 119, Florin, Eyer and Kitada and Nijima disclose all the limitations of Claim 65. Florin discloses that the generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of the program and the channel displayed in that window or that generation of the PPV channel is prohibited based on whether the user has ordered the movie or else only the preview is displayed (Figure 35). Eyer discloses generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in the window (Column 10, lines 28-32).

Regarding Claim 127, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 86. Nijima discloses relative positions of windows of the mosaic information are controlled in response to received positioning data for controlling relative positions of windows within mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67, Column 3, lines 1-14, Column 6, lines 35-54).

Regarding Claims 131, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 86. Florin discloses positional control means for controlling the relative positions of the windows are controlled according to program characteristics of programs normally shown on the channels displayed in the windows (Column 22, lines 1-15).

Regarding Claim 135, Florin, Niijima, Eyer and Kitada disclose all the limitations of Claim 86. Florin discloses a positional control means is arranged to maintain a window displaying a particular channel and program in a constant position in the mosaic (Figures 27-29, 365, Figure 30, 325, Figures 33-35).

Regarding Claim 141, Florin discloses a decoder for controlling the display of a plurality of digital television channels (Figures 33-35, Column 9, lines 30-39, Column 10, lines 53-59), wherein the decoder is configured to:

means for receiving a program on a first channel of the plurality of digital television channels or a first encrypted program and a second program in encrypted form on a second channel of the plurality of digital television channels or second encrypted program as there are multiple pay per view programs and pay per view channels (Figure 2, 67, 66, Column 9, lines 13-25, Column 10, lines 53-59, Figure 2, 66, Column 11, lines 30-32); wherein the first and second encrypted program comprise both encrypted audio and encrypted video as programs with audio and video need to be descrambled (Column 9, lines 13-25, Column 11, lines 30-38), wherein the first and second encrypted programs comprises both encrypted audio and encrypted video as programs with audio and video need to be descrambled (Column 9, lines 13-25, Column 10, lines 53-59, Column 11, lines 30-38);

Means for displaying the mosaic comprising a plurality of unencrypted programs including the first and second programs in unencrypted form (Figures 33-35);

means for receiving a selection from a user for access to the first encrypted program displayed in unencrypted form in the mosaic or selecting the pay per view program (Figure 35, 375, 380, Figure 2, 60, 82, 63); and

means for determining whether full access rights exist for the selected first encrypted program while the first program is displayed in the mosaic to display the pay per view program from the preview and premium programming (Figure 35, Column 9, lines 8-20, Figure 2, 69, 63, Column 23, lines 26-45);

wherein the decoder is configured to prohibit one of audio access and visual access to the unencrypted form of the first program while the first program is displayed in the mosaic upon a determination that complete access rights are not available for the first program or if the PIN number is not entered correctly the pay per view program is not displayed to the viewer and only the preview is displayed to the viewer as the program is not descrambled (Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25).

Florin is silent on means for receiving the program in unencrypted form on a third channel of the plurality of digital television channels, wherein the third channel corresponds to a mosaic comprising a plurality of windows and that the mosaic is on a second channel and does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Niijima discloses a decoder for controlling the display of a plurality of digital television channels (Figure 8, 2, Column 8, lines 16-24, 46-59), wherein said decoder is configured to:

Means for receiving a program on a first channel and a program on a second channel of the plurality of digital television channels (Figure 8, 2, 2a, Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3),

Means for receiving the first and second program in unencrypted form on a third channel of the plurality of digital television channels, wherein the channel corresponds to a mosaic comprising a plurality of windows (Figure 8, 2a, Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3);

Means for creating the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of unencrypted programs is shown within a respective window of the plurality of windows (Figure 8, 2b, Column 8, lines 16-24, 46-59, Column 14, lines 53-65, Column 24, lines 59-67, Column 25, lines 1-3);

Means for displaying the mosaic (Figure 8, 4, Figure 5, Figure 20);

Means for receive a selection for the program the mosaic on the third channel (Figure 20, 201, Figure 8, 5, 2b). Niijima discloses that the conditional access module deciphers enciphered data via keys (Column 14, lines 53-65), wherein the data is deciphered (Column 14, lines 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include means for receiving the first and second program in unencrypted form on a third channel of the

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plurality of digital television channels, wherein the channel corresponds to a mosaic comprising a plurality of windows and the mosaic on the third channel (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3 Figure 8, 2a, 2b) as taught by Nijima in order to save time at the user device to create a multi-screen guide which allows a user to view the mosaic even more quickly as the user does not have to wait for the pix function to have to create the mosaic.

Therefore, the combination of Florin and Nijima discloses receiving an encrypted program on a first channel and a mosaic on a third channel.

The combination does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Eyer discloses transmitting an encrypted program with encrypted key information with both encrypted audio and video as the program (Column 9, lines 7-20). Eyer discloses the program is displayed to the viewer via a preview portion of the pay per view program based on a working key (Column 9, lines 15-20) and then the decoder based on another working key determining whether the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-

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54, Column 10, lines 1-5, 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time or viewing and listening to the program during the preview period of a program (Column 5, lines 21-54, Column 10, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 9, lines 7-20, Column 10, lines 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order to improve security to prevent unscrupulous viewers to watch free previews for more than the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

Eyer in combination with Florin and Nijima does not disclose that based on a working key determining prohibiting only one of audio access and visual access.

In analogous art, Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include prohibiting

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only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60) as taught by Kitada in order to tempt the user to buy the pay per view program even by allowing them to listen to the program to possibly buy the program even though the preview of the program is finished.

Moreover, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 142, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 141. Florin discloses a mosaic displaying programs including the first program and the second program in unencrypted form or multiple channels can be displayed in the mosaic displaying a first pay per view program and second pay per view program (Figures 33-35, Column 11, lines 30-32, Column 10, lines 53-59) and determining whether a user has full access to the second encrypted program based on the access rights associated with the user based on the user ordering the program (Figure 35, 380) and means for providing complete audio and visual access to the user to the unencrypted form of the second encrypted program, when access rights associated with the user are received for the second encrypted program (Column 23, lines 40-55).

Eyer discloses means for determining based on a working key whether a user is permitted complete access to the second encrypted program based on the access rights associated with the user as complete access rights are not available for the corresponding encrypted program (Column 5, lines 21-54, Column 10, lines 48-65) and means for providing complete audio and visual access to the user to the unencrypted form of the second encrypted program when access rights associated with the user are received for the second encrypted program (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key permitting only audio access or only video for the at least one encrypted program when the user is not permitted complete access rights of the selected program (Column 3, lines 30-36, 50-60).

Regarding Claim 145, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses full access to the non-selected unencrypted programs in the mosaic is permitted as the viewer is permitted to view and listen to the non premium or pay per view programming (Figures 33-35, Column 20, lines 35-65)

8. Claims 9, 10, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims

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4 and 53 above, and further in view of Berstis et al (US 5,874,936 and hereafter referred to as "Berstis").

Regarding Claim 9, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses that premium programs are descrambled by the descrambling circuitry based on access rights (Column 9, lines 13-27, Column 11, lines 29-40). Florin, Nijima, Eyer and Kitada are silent on means for automatically re-positioning the cursor in the event that the cursor is placed over the window displaying a program or channel to which full audio and visual access is prohibited. Berstis discloses to automatically re-position the cursor in the event that the cursor is placed over the window that is not active or not accessible after performing a check to determine if the window is opened (Column 3, lines 5-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active after a predetermined period of time (Column 3, lines 5-39) as taught by Berstis in order to allow the user to navigate through multiple open windows for convenience to the user (Column 1, lines 21-60) as disclosed by Berstis.

Regarding Claim 10, Florin, Nijima Eyer, Kitada and Berstis disclose all the limitations of Claim 9. Florin discloses the mosaic (Figures 33-35). Berstis discloses repositioning the cursor after the expiration of a predetermined time or immediately (Column 3, lines 5-33).

Regarding Claim 57, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses that premium programs are descrambled by the descrambling circuitry based on access rights (Column 9, lines 13-27, Column 11, lines 29-40). Florin, Nijima, Eyer and Kitada are silent on means for automatically re-positioning the cursor in the event that the cursor is placed over the window displaying a program or channel to which full audio and visual access is prohibited. Berstis discloses means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active or not accessible after performing a check to determine if the window is opened (Column 3, lines 5-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active after a predetermined period of time (Column 3, lines 5-39) as taught by Berstis in order to allow the user to navigate through multiple open windows for convenience to the user (Column 1, lines 21-60) as disclosed by Berstis.

Regarding Claim 58, Florin, Nijima, Eyer, Kitada and Berstis disclose all the limitations of Claim 57. Florin discloses the mosaic (Figures 33-35). Berstis discloses repositioning the cursor after the expiration of a predetermined time or immediately (Column 3, lines 5-33).

9. Claims 11, 13, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims

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4 and 53 above, and further in view of Hanaya et al (US 2003/0101452 and hereafter referred to as "Hanaya").

Regarding Claim 11, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses a cursor (Figures 33-35, 375, 380). Florin, Nijima, Eyer and Kitada are silent on means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned. Hanaya discloses a system for displaying a plurality of channels and programs in respective windows (Figure 19). Hanaya discloses a system for displaying a plurality of channels and programs in respective windows (Figure 19). Hanaya discloses means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned (Page 9, paragraph 0147). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned such as the cursor is changed to different broadcast channel (Page 9, paragraph 0147) as taught by Hanaya in order to make it easier and more convenient for a user to view the programs selected or highlighted.

Regarding Claim 13, Florin, Nijima, Eyer, Kitada and Hanaya disclose all the limitations of Claim 11. Florin discloses a cursor (Figures 33-35, 380). Hanaya discloses that the programs are accessed via highlights or colors or

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changing the color of the cursor depending on the characteristic of the program (Page 9, paragraph 0147).

Regarding Claim 59, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claims 53. Florin discloses a cursor (Figures 33-35, 375, 380). Florin, Nijima, Eyer and Kitada are silent on means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned. Hanaya discloses a system for displaying a plurality of channels and programs in respective windows (Figure 19). Hanaya discloses a system for displaying a plurality of channels and programs in respective windows (Figure 19). Hanaya discloses means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned (Page 9, paragraph 0147). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for changing an attribute of the cursor depending on the characteristic of at least one of a program and a channel displayed in a window over which the cursor is positioned such as the cursor is changed to different broadcast channel (Page 9, paragraph 0147) as taught by Hanaya in order to make it easier and more convenient for a user to view the programs selected or highlighted.

Regarding Claim 61, Florin, Nijima, Eyer, Kitada and Hanaya disclose all the limitations of Claim 59. Florin discloses a cursor (Figures 33-35, 380). Hanaya discloses that the programs are accessed via highlights or colors or

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changing the color of the cursor depending on the characteristic of the program (Page 9, paragraph 0147).

10. Claims 14 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer, Kitada and Hanaya as applied to claims 11, 59 above, and further in view of Young et al (US 5,809,204 and hereafter referred to as "Young").

Regarding Claim 14, Florin, Nijima, Eyer, Kitada and Hanaya disclose all the limitations of Claim 11. Hanaya discloses selecting programs via the channel (Page 9, paragraph 0147). Florin, Eyer, Kitada and Hanaya are silent on assigning the characteristic from a remote control handset associated with the decoder and means for assigning the characteristic in response to the received data. Young discloses means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20) and means for assigning the characteristic in response to the received data (Figure 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20) and means for assigning the characteristic in response to the received data (Figure 20) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

Regarding Claim 110, Florin, Nijima, Eyer, Kitada and Hanaya disclose all the limitations of Claim 59. Hanaya discloses selecting programs via the channel (Page 9, paragraph 0147). Florin, Nijima, Eyer, Kitada and Hanaya are silent on assigning the characteristic from a remote control handset associated with the decoder and means for assigning the characteristic in response to the received data. Young discloses means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20, Column 11, lines 55-67, Column 12, lines 1-6) and means for assigning the characteristic in response to the received data (Figure 20, Column 11, lines 55-67, Column 12, lines 1-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for receiving data for assigning the characteristic from a remote control handset associated with the decoder (Figure 20, Column 11, lines 55-67, Column 12, lines 1-6) and means for assigning the characteristic in response to the received data (Figure 20, Column 11, lines 55-67, Column 12, lines 1-6) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 18 above, and further in view of Townsend et al (WO 96/37996 and hereafter referred to as "Townsend").

Regarding Claim 19, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 18. Florin, Eyer, Kitada and Nijima are silent on means for dialing up the communications to supply a request for information regarding the program. Townsend discloses means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window (Figure 1, 7, Figure 12). Therefore, it would have been obvious at the time the invention was made to modify the combination to include means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window (Figure 1, 7, Figure 12) as taught by Townsend in order to simplify user control and to make the control more user friendly (Page 5, lines 2-7) as disclosed by Townsend.

12. Claims 20, 22 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 4 and 53 above, and further in view of Young.

Regarding Claims 20, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claims 4. Florin displays EPG and selection of time (Figures 12-16). Florin, Nijima, Eyer and Kitada are silent on means for generating a display comprising a schedule with forthcoming programs of at least one digital TV channel in respective windows. Young discloses a means for generating a display comprising a schedule with forthcoming programs of at least one digital TV channel in respective windows or a displaying of forthcoming program schedule for the channel displayed in the desired window or cell (Figure 7, 58).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window upon selection upon selection of the desired window (Figure 7, 58) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

Regarding Claim 22, Florin, Nijima, Eyer, Kitada and Young discloses all the limitations of Claim 20. Florin discloses that program guide display can be mosaic (Figures 33-35) and a display with textual display of program schedule information (Figures 12-16). Young discloses that the forthcoming program schedule which is in a textual display (Figure 7).

Regarding Claim 113, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 53. Florin displays EPG and selection of time (Figures 12-16). Florin, Nijima, Eyer and Kitada are silent on means for generating a display comprising a schedule with forthcoming programs of at least one digital TV channel in respective windows. Young discloses a means for generating a display comprising a schedule with forthcoming programs of at least one digital TV channel in respective windows or a displaying of forthcoming program schedule for the channel displayed in the desired window or cell (Figure 7, 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for generating a display comprising a forthcoming program schedule for the channel

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displayed in the desired window upon selection upon selection of the desired window (Figure 7, 58) as taught by Young in order to allow easier access for program listings to record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

13. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer, Kitada and Young as applied to claims 20 above, and further in view of Matthews, III (US 5,815,145 and hereafter referred to as "Matthews").

Regarding Claim 23, Florin, Nijima, Eyer, Kitada and Young discloses all the limitations of Claim 20. Florin discloses that program guide display can be mosaic with pictorial images of program schedule information (Figure 5, Figure 20). Young discloses that the forthcoming program schedule (Figure 7). Florin, Nijima, Eyer, Kitada and Young are silent on a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of mosaic. Matthews discloses a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic (Figure 4, Column 6, lines 35-63, Column 9, lines 40-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-63, Column 9, lines 40-49) as taught by

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Matthews in order to provide the user with videos of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well.

Regarding Claim 27, Florin, Nijima, Eyer, Kitada, Young and Matthews disclose all the limitations of Claim 23. Matthews discloses that the plurality of pictorial images comprises video footage (Figure 4).

14. Claims 31, 33, 36, 56, 79, 84 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 30 and 78 above, and further in view of Matthews.

Regarding Claim 31, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 30. Florin, Nijima, Eyer and Kitada are silent on a picture is displayed in the window instead of at least the portion of video information. In analogous art, Matthews discloses a picture is displayed in the window instead of at least the portion of video information (Column 6, lines 38-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-63) as taught by Matthews in order to provide the user with preview media information of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as

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aesthetically pleasing to the users so that they can decide on future programs as well as videos may not be available.

Regarding Claim 33, Florin, Nijima, Eyer, Kitada and Matthews disclose all the limitations of Claim 31. Matthews discloses the picture comprises an image associated with the program displayed in the window (Column 6, lines 38-44).

Regarding Claims 36, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 35. Florin, Nijima, Eyer and Kitada are silent on that the further video information is promotional video information or preview information. Matthews discloses the further video information is promotional video information or preview information (Column 6, lines 38-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include further video information is promotional video information or preview information (Column 6, lines 38-63) as taught by Matthews in order to provide the user with preview media information of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well as videos may not be available.

Regarding Claim 79, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 78. Florin, Nijima, Eyer and Kitada are silent on a picture is displayed in the window instead of at least the portion of video information. In analogous art, Matthews discloses a picture is displayed in the window instead of at least the portion of video information (Column 6, lines 38-44). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-63) as taught by Matthews in order to provide the user with preview media information of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well as videos may not be available.

Regarding Claim 84, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 83. Florin, Nijima, Eyer and Kitada are silent on that the further video information is promotional video information or preview information. Matthews discloses the further video information is promotional video information or preview information (Column 6, lines 38-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include further video information is promotional video information or preview information (Column 6, lines 38-63) as taught by Matthews in order to provide the user with preview media information of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well as videos may not be available.

Regarding Claim 116, Florin, Nijima, Eyer and Kitada discloses all the limitations of Claim 53. Florin discloses that program guide display can be

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mosaic with pictorial images of program schedule information and forthcoming schedule (Figures 12-16) as the user can select the time by scrolling (Figure 16). Florin, Nijima, Eyer and Kitada are silent on a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic formation. Matthews discloses a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic formation (Figure 4, Column 6, lines 35-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-63) as taught by Matthews in order to provide the user with videos of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well.

15. Claims 32, 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer, Kitada and Matthews as applied to claims 31 and 79 above, and further in view of Morales (US 5,663,757).

Regarding Claim 32, Florin, Nijima, Eyer, Kitada and Matthews disclose all the limitations of Claim 31. Florin, Nijima, Eyer, Kitada and Matthews are silent on Logos of channels. Morales discloses that a picture comprise a logo

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associated with a channel displayed in the window (Figure 3, 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a picture comprising a logo associated with a channel displayed in the window (Figure 3, 10) as taught by Morales in order to provide the user with easier channel selection as the TV networks may have different channels in area counties or an out of town visitor in a hotel (Column 5, lines 10-25) as disclosed by Morales.

Regarding Claim 80, Florin, Nijima, Eyer, Kitada and Matthews disclose all the limitations of Claim 79. Florin, Nijima, Eyer, Kitada and Matthews are silent on logos of channels. Morales discloses that a picture comprise a logo associated with a channel displayed in the window (Figure 3, 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a picture comprising a logo associated with a channel displayed in the window (Figure 3, 10) as taught by Morales in order to provide the user with easier channel selection as the TV networks may have different channels in area counties or an out of town visitor in a hotel (Column 5, lines 10-25) as disclosed by Morales.

Regarding Claim 81, Florin, Nijima, Eyer, Kitada, Matthews and Morales disclose all the limitations of Claim 79. Matthews discloses the picture comprises an image associated with the program displayed in the window (Column 6, lines 38-44).

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16. Claims 34 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 30 and 78 above, and further in view of Balakrishnan et al (US 2001/0052135 and hereafter referred to as "Balak").

Regarding Claim 34, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 30 and 78 respectively. Florin, Nijima, Eyer and Kitada are silent on an advertisement. Balak discloses that advertisements can be seen in a mosaic formation (Page 2, paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for controlling the display of an advertisement in the window instead of a video information (Page 2, paragraph 0018) as taught by Balak in order to provide users target commercials of their own choosing (Page 1, paragraphs 0001-0003) as disclosed by Balak.

Regarding Claim 82, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 78 respectively. Florin, Nijima, Eyer and Kitada are silent on an advertisement. Balak discloses that advertisements can be seen in a mosaic formation (Page 2, paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for controlling the display of an advertisement in the window instead of a video information (Page 2, paragraph 0018) as taught by Balak in order to provide users target commercials of their own choosing (Page 1, paragraphs 0001-0003) as disclosed by Balak.

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17. Claims 37 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 1 and 51 above, and further in view of Kahn (US 5,978,649).

Regarding Claim 37, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin, Nijima, Eyer and Kitada are silent on generating a message due to lack of access rights when a cursor is on a channel. Kahn discloses means to generating message information a user of full access rights of a channel in the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a means to generating a message information a user of the access rights of a channel in the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56) as taught by Kahn in order to control channel authorization in case such as PPV channels or movies with access rights (Column 1, lines 26-31) as disclosed by Kahn.

Regarding Claim 85, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin, Nijima, Eyer and Kitada are silent on generating a message due to lack of access rights when a cursor is on a channel. Kahn discloses means to generating message information a user of the access rights of a channel in the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a means to generating a message information a user of the access rights of a

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channel in the event of placing a cursor on the channel on the EPG (Column 7, lines 42-56) as taught by Kahn in order to control channel authorization in case such as PPV channels or movies with access rights (Column 1, lines 26-31) as disclosed by Kahn.

18. Claims 143 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 1 and 51 above, and further in view of Jeffers et al (US 5,036,537 and hereafter referred to as "Jeffers").

Regarding Claim 143, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses a mosaic to display programs in a picture in picture mode to display programming on channels for selection (Figure 33). Florin, Nijima, Eyer and Kitada are silent on that the selected program is completely blacked out by the receiver when access rights are not received. Jeffers discloses the selected program is completely blacked out by the receiver when access rights are not received (Column 7, lines 12-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the selected program is completely blacked out by the receiver when access rights are not received (Column 7, lines 12-27) as taught by Kahn in order to control channel authorization in for geographic areas with access rights (Column 1, lines 8-14) as disclosed by Jeffers.

Regarding Claim 144, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses a mosaic to display programs in a picture in picture mode to display programming on channels for selection (Figure 33). Florin, Nijima, Eyer and Kitada are silent on that the selected program is completely blacked out by the receiver when access rights are not received. Jeffers discloses the selected program is completely blacked out by the receiver when access rights are not received (Column 7, lines 12-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the selected program is completely blacked out by the receiver when access rights are not received (Column 7, lines 12-27) as taught by Jeffers in order to control channel authorization in for geographic areas with access rights (Column 1, lines 8-14) as disclosed by Jeffers.

19. Claims 143 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Nijima, Eyer and Kitada as applied to claims 1 above, and further in view of Aras et al (US 5,872,588 and hereafter referred to as "Aras").

Regarding Claim 146, Florin, Nijima, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses displaying unencrypted programs in the mosaic (Figures 33-35). Nijima disclose the mosaic is on the second channel (Column 8, lines 16-24, 46-59, Column 24, lines 59-67, Column 25, lines 1-3). Florin, Nijima, Eyer and Kitada discloses wherein in video access is prohibited to

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the unencrypted programs. In analogous art, Aras discloses wherein video access is prohibited to the unencrypted programs (Column 10, lines 10-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include video access is prohibited to the unencrypted programs (Column 10, lines 10-27) as taught by Aras in order to allow parents to control what their children watching.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone

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number is (571)272-5943. The examiner can normally be reached on Monday 7:30 am to 1:30 pm, Tuesday 7:30 am to 2:30 pm and Wednesday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

FEH
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